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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,083	07/21/2006	Yoshiyuki Sugahara	28951.5512	9531

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STEPTOE & JOHNSON LLP  
1330 CONNECTICUT AVE., NW  
WASHINGTON, DC 20036

EXAMINER
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TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
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2115

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,083	<b>Applicant(s)</b> SUGAHARA ET AL.	
	<b>Examiner</b> Vincent T. Tran	<b>Art Unit</b> 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/21/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is responsive to the communication filed on 7/21/06
2. Claims 1-15 are pending for examination.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 7/21/06 were considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Koo U.S. Patent No. 6,981,161.

6. As per claim 1, Koo discloses a media drive [712 fig. 7] having a normal mode of operation and a power saving mode of operation less in power consumption than the normal mode of operation and controlling rotation of a removable medium in accordance with these modes of operation [col. 1 lines 14-45], the media drive comprising:

detection means [560 fig. 5] for detecting ejection/insertion of the removable medium in the power saving mode of operation [210 fig. 2]; and

media control means [440, 570 fig. 5] for notifying an external device [703 fig. 7] about detection of the ejection/insertion of the removable medium, shifting from the power saving mode of operation to the normal mode of operation in accordance with an instruction from the external device receiving the notification, and controlling rotation of the removable medium [250 – 270 fig. 2].

7. As per claim 2, Koo discloses a host computer connected to the media drive [fig. 7], the host computer including drive control means [inherent] for detecting the notification from the media drive [col. 4 lines 49-57], and instructing/controlling the media drive to shift to the normal mode of operation [col. 3 lines 44-51].

8. As per claim 3, Koo discloses

a first step that the host computer places the media drive in the power saving mode of operation [col. 1 lines 14-20];

a second step that the media drive shifted to the power saving mode of operation in the first step detects ejection/insertion of the removable medium [210 fig. 2];

a third step that the media drive notifies the host computer about a result of the detection of the ejection/insertion of the removable medium in the second step [250 fig. 2];

a fourth step that the host computer detects the notification from the media drive in the third step [260 fig. 2];

a fifth step that the host computer detecting the notification from the media drive in the fourth step returns the media drive from the power saving mode of operation to the normal mode of operation; and

a sixth step that the media drive returned from the power saving mode of operation to the normal mode of operation in the fifth step controls rotation of the removable medium [270 fig. 2].

9. As per claim 4-15, it is noted that the limitations do not differ from claim 1-3. As demonstrated previously, Koo anticipated the limitations in claim 1-3. Therefore, Koo anticipated the limitations of claim 4-15.

10. Claims 1, 4, 7, 10, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson U.S. Patent No. 5,838,983.

11. As per claim 4, Teranishi discloses a media drive having a normal mode of operation and a power saving mode of operation less in power consumption than the normal mode of operation and controlling rotation of a removable medium in accordance with these modes of operation [col. 7 lines 1-15, col. 8 lines 1-4], the media drive comprising:

detection means for detecting that a media ejection button is pushed for ejecting the removable medium and that a media insertion mechanism part is closed by insertion of the removable medium in the power saving mode of operation [col. 8 lines 20-22]; and

media control means for notifying an external device about the detection that the media ejection button is pushed or the media insertion mechanism part is closed, shifting from the

power saving mode of operation to the normal mode of operation in accordance with an instruction from the external device receiving the notification, and controlling rotation of the removable medium [col. 8 lines 20-30].

### ***Conclusion***

**Examiner's note:**

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Prior Art not relied upon:**

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2115

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Tran



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